

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

No. 1:14-CR-306 - GBL

PEDRO ANTHONY ROMERO CRUZ,
JOSE LOPEZ TORRES,
JAIME ROSALES VILLEGAS,
ALVIN GAITAN BENITEZ,
CHRISTIAN LEMUS CERNA,
OMAR DEJESUS CASTILLO,
DOUGLAS DURAN CERRITOS,
MANUEL ERNESTO PAIZ GUEVARA,
JOSE DEL CID,
JESUS ALEJANDRO CHAVEZ,
Defendants

**BRADY DISCOVERY MOTION FOR INVESTIGATIVE MATERIALS
PERTAINING TO THE PARK VIEW LOCOS SALVATRUCHAS CLIQUE
OF MS-13**

Manuel Ernesto Paiz Guevara, by counsel, moves this Court to Order the United States to provide the defense with specific investigative materials pertaining to MS-13. This motion is made under Brady v. Maryland, 373 U.S. 83, 87 (1963), and his rights under the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and judicial authorities construing said constitutional provisions, including his right to due process, to a fair trial, to confront the witnesses against him, and to present a defense.

The specific materials we request in this motion are as follows:

1. Field Interview Cards and Photographs from any federal or local agencies involved in this case.

We request any and all written results of “field interviews,” field interview cards (known as F.I.’s), files and/or photographs for all alleged members, affiliates, and other associates of the Park View Locos Salvatruchas (PVLS) clique of MS-13 who are charged in this case (or investigated in this case whether or not those people are now charged in the present indictment).¹

2. Relevant Gang Books or Gang Files.

We request any “gang book” or “gang file,” in whatever form, and however named, that collects information about the PVLS clique of MS-13.

3. Maps or Descriptions of PVLS clique of MS-13 Street “Turf.”

¹ We know, for example, from a sworn search warrant affidavit provided in discovery (dated August 15, 2014), that Mr. Paiz Guevara had been “observed with 3 other *known* Mara Salvatrucha 13 member/associates [sic].” (emphasis added). The affiant’s basis as to who was a “known” gang member, comes at least partly from the information we request – that is, information/files in the form of F.I’s (or something similar) regarding alleged PVLS individuals, prior formal or informal law enforcement contact with them, and/or information kept about them from various sources.

We request any and all maps or written descriptions of the supposed “turf” of the PVLS clique of MS-13. By this, we mean the physical geographical area that the PVLS clique of MS-13 is alleged to control and/or operate within.

4. Data Compilations re: Members or Affiliates of the PVLS clique of MS-13.

We request any and all compilations, summaries, or other reports documenting the number of arrests or law enforcement contacts involving the alleged gang members or affiliates of the PVLS clique of MS-13.

5. Training Materials re: MS-13 and the PVLS clique of MS-13 in particular.

We request any and all training materials or other documents that have been maintained, distributed, or otherwise used to train or educate law enforcement personnel (including federal and state law enforcement and federal and state prosecutors) about MS-13 and the PVLS clique of MS-13 in particular.

6. Other Materials Describing MS-13 and the PVLS clique of MS-13 in particular.

We request any other materials, including “gang description sheets” and “gang validation sheets,” or similar documents that exist describing or relating to MS-13 and the PVLS clique of MS-13 in particular.

7. Police Reports Alleging Gang Enhancements Related to the PVLS clique of MS-13.

We request any police reports, proposed charging documents, or other investigative documents alleging or describing criminal activity and alleging that criminal activity is related to the PVLS clique of MS-13. Police reports of this kind would tend to include factual allegations suggesting why certain crimes are or are not in furtherance of a criminal street gang, and thus reflect directly on elements of many of the crimes alleged in the indictment.

8. Police Reports for Members and Affiliates of the PVLS clique of MS-13 that Do Not Suggest Any Gang Motivation.

We also request any police reports, charging documents, or other investigative documents alleging or describing criminal activity by alleged members, associates, or affiliates of the PVLS clique of MS-13 that *do not* suggest that criminal activity was at the behest of or for the benefit of the PVLS clique of MS-13. These documents are material because the

government has alleged that a number of crimes – such as the murder in Count 6 of the present indictment – were necessarily for the benefit of the PVLS clique of MS-13. To the extent that evidence shows (or could lead to other evidence that shows) that certain street crime is committed by alleged members of the PVLS clique of MS-13, independent of and unrelated to any criminal organization, it undermines the government's enterprise theory of the case and should be disclosed.

Further reasons and argument for the motion are laid out in the memorandum accompanying the motion.

WHEREFORE, Mr. Paiz Guevara prays that the above and foregoing motion be, in all things, granted.

Respectfully submitted,

_____/S/_____
W. Michael Chick, Jr. Esq.
David P. Baugh, Esq.
ATTORNEYS FOR ACCUSED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing MOTION FOR INVESTIGATIVE MATERIALS PERTAINING TO THE PARK VIEW LOCOS SALVATRUCHAS CLIQUE OF MS-13 was served, via ECF upon:

Stephen M. Campbell, Esq.
Julia K Martinez, Esq.
Tobias Tobler, Esq.
Assistant United States Attorneys
Eastern District of Virginia
2100 Jamison Avenue
Alexandria, Virginia 22314,

And all other defendants in this matter by the Court's electronic filing
system.

/s/ W. Michael Chick, Jr.
W. Michael Chick, Jr.